

Office of
The City Attorney
City of San Diego

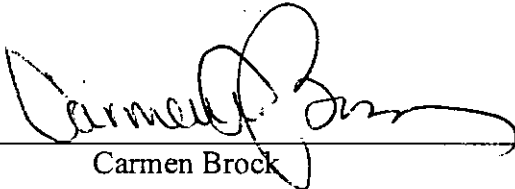
MEMORANDUM

DATE: January 7, 2009
TO: Anna Molina-Rodriguez, Chief of Staff
FROM: Carmen Brock, Deputy City Attorney
SUBJECT: *Margaret Hahn v. City of San Diego.*
San Diego Superior Court No. GIC 861704

Attached please find a resolution R-2009-763 setting forth the approval of the City Council in Closed Session on October 7, 2008. The Auditor's Certificate was not requested prior to Council action in Closed Session. The vote taken in Open Session shall be the official vote.

Pursuant to the requirements, it is appropriate for this resolution to be placed on the next available Council docket for Council adoption confirming the Council's action in Closed Session.

It is, therefore, requested that it be calendared for the January 20, 2009 docket.


Carmen Brock

Attachments

000225

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY) 102

AC 290046 01/27

TO:
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):
CITY ATTORNEY

November 10, 2008

4. SUBJECT:

SETTLEMENT OF PROPERTY DAMAGE CLAIM OF MARGARET HAHN
RISK MANAGEMENT FILE #: LP06-0534-0199

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)

Carmen Brock X-67726 MS-59

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

Michael Gomez X-67096 MS-51B

7. CHECK BOX IF REPORT TO
COUNCIL IS ATTACHED ☐

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	81140				9. ADDITIONAL INFORMATION / ESTIMATED COST: \$ 300,000.00 – Total Settlement
DEPT.	81140				
ORGANIZATION	3501				
OBJECT ACCOUNT	4824				
JOB ORDER	081141				
C.I.P. NUMBER					
AMOUNT	\$300,000.00				

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT		11/13/08	8	DEPUTY CHIEF		
2	STREETS		12/3/08	9	CFO		12-16-08
3	COMPTROLLER		12/12/08	10	CITY ATTORNEY		
4	LIAISON OFFICE		12/14/08	11	ORIGINATING DEPARTMENT		11/13/08
5	FINANCIAL MANAGEMENT		12/11/08		DOCKET COORD:	COUNCIL LIAISON:	
6	RISK MANAGEMENT		11-20-08		COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<input type="checkbox"/> REFER TO:	COUNCIL DATE: 1-27-09	

11. PREPARATION OF:

☒ RESOLUTION(S)☐ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

1. Authorizing the Mayor to pay the sum of \$300,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim of Margaret Hahn.
2. Authorizing the City Comptroller to issue one check made payable to Margaret Hahn and Brian Gonzales, Attorney of Record, in the amount of \$300,000.00.
3. Authorizing the expenditure of \$300,000.00 from the Public Liability Fund. Fund number 81140.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S):

1

COMMUNITY AREA(S):

NONE

ENVIRONMENTAL IMPACT:

NONE

HOUSING IMPACT:

This activity is not a project and therefore exempt from CEQA pursuant to the State Guidelines Section 15060(c) (3).

OTHER ISSUES:

NONE

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: November 13, 2008 REPORT NO:
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: City Attorney
SUBJECT: Settlement of Property Damage Claim of Margaret Hahn
City File #: LP06-0534-0199
COUNCIL DISTRICT(S): 1
CONTACT/PHONE NUMBER: Michael Gomez (619) 236-7096

REQUESTED ACTION: Authorizing the Mayor to pay the sum of \$300,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim of Margaret Hahn.

STAFF RECOMMENDATION: Approve the resolution.

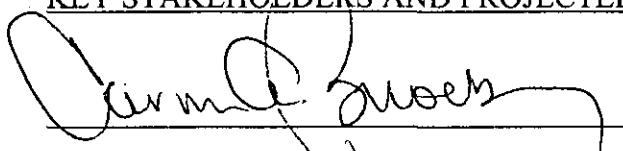
EXECUTIVE SUMMARY: The proposed settlement would resolve all claims arising from a storm drain failure on February 23, 2005

FISCAL CONSIDERATIONS: Settlement will be paid from the Public Liability Fund 81140.

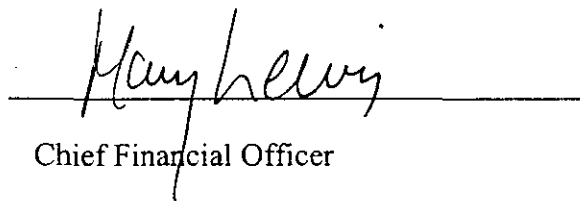
PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was considered in closed session on October 7, 2008, the City Council approved the settlement amount of \$300,000.00. City Council voted 7 to 1. The motion was made by Councilmember Atkins with a second by Council President Peters. Councilmember Young was absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Chief Financial Officer

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

000229

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2900460

DEPT. NO: 045

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$300,000.00

Vendor: Margaret Hahn and Brian Gonzales, Attorney of Record

Purpose: Authorize the Mayor to pay the sum of \$300,000 in settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Margaret Hahn. Authorize the City Comptroller to issue one check payable to above vendors in the amount of \$300,000 from the Public Liability Fund. (81140)

Date: December 12, 2008

By: *Pam Halbert* 12/12/08
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	81140	3501	4824	081141				\$300,000.00
TOTAL AMOUNT										\$300,000.00

AC-361 (REV 2-92)

FUND OVERRIDE ☐

AC 2900460

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

**A RESOLUTION AUTHORIZING SETTLEMENT OF
PROPERTY DAMAGE CLAIM TO MARGARET HAHN**

WHEREAS, in Closed Session on October 7, 2008, by motion made by Councilmember Atkins and a second by Council President Peters, by the following Vote: Yeas, 7; Nays, None, with Councilmember Young absent:

WHEREAS on February 22, 2006, Plaintiff Margaret Hahn [Plaintiff], filed suit against the City of San Diego [City] in the matter entitled *Margaret Hahn v. City of San Diego*, San Diego Superior Court Case No GIC861704, alleging damages to the property caused by a failed City storm drain in 2005property [the Litigation]; and

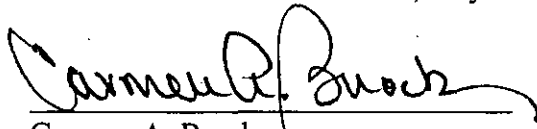
WHEREAS the City in closed session on October 7, 2008 authorized settlement of the Litigation in an amount consistent with the amount set forth below, NOW THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego that the Council authorizes:

1. The sum of \$300,000.00 to be paid from the Public Liability Fund in settlement of each and every claim against the City, its agents and employees, arising from the Litigation.
2. That the City Auditor and Comptroller is authorized to issue a check in the amount of \$300,000.00 to Margaret Hahn and her counsel of record, Brian Gonzales, Esq.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Carmen A. Brock
Deputy City Attorney

CB:mc
12/30/08
Or.Dept: Risk Management
R-2009-763

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor